

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Administration	(2) MEETING DATE July 25, 2006	(3) CONTACT/PHONE Leslie Brown, Administrative Analyst (805) 781-5011	
(4) SUBJECT Request to approve recommended responses to findings and recommendations contained in the May Grand Jury report on Oak Tree Preservation in San Luis Obispo County, and to forward the responses to the Presiding Judge of the Superior Court.			
(5) SUMMARY OF REQUEST The Grand Jury has prepared a report addressing Oak Tree Preservation in San Luis Obispo County and issues related to the loss of oak tree woodland in California and the need for an Ordinance to mandate oak tree protection and preservation. The report directs that the Board of Supervisors and the Planning and Building Department respond to all seven findings and five recommendations of the report. This item includes the required responses. Upon approval, the responses will be forwarded to the Presiding Judge.			
(6) RECOMMENDED ACTION Staff recommends that the Board of Supervisors: <ol style="list-style-type: none"> 1. Adopt the responses from the Planning and Building Department to all seven Findings and to Recommendations 3 and 5 in the May 2006 Grand Jury report on the Oak Tree Preservation in San Luis Obispo County; 2. Provide direction to staff for response to Recommendations 1, 2 and 4 as appropriate; and 3. Forward the Board's adopted response to the Presiding Judge of the Superior Court. 			
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Grand Jury conferred with staff from the County departments of Planning and Building and Public Works as well as staff from the City of Paso Robles, as part of their investigation. In addition, representatives from Greenspace, the San Luis Obispo County Oak Protection Committee and a University of California Area Natural Resource Specialist were interviewed.			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A	
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Board Business (Time Est. 15 min.)	(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____	(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-size: 2em; font-family: cursive;"> 6/25/06 7-25-06 E-1 </div>			

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. 370 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: Board of Supervisors

DAVID EDGE
COUNTY ADMINISTRATOR

FROM: David Edge, County Administrative Officer 

DATE: July 25, 2006

SUBJECT: Response to the 2005-2006 Grand Jury Interim Report on Oak Tree Preservation in San Luis Obispo County

RECOMMENDATION

Staff recommends that the Board of Supervisors:

1. Adopt the responses from the Planning and Building Department to all seven Findings and to Recommendations 3 and 5 in the May 2006 Grand Jury report on the Oak Tree Preservation in San Luis Obispo County (attached);
2. Provide direction to staff for response to Recommendations 1, 2 and 4 as appropriate; and
3. Forward the Board's adopted response to the Presiding Judge of the Superior Court.

DISCUSSION

The Grand Jury issued an interim report in May of 2006. The interim report addressed issues related to the loss of oak tree woodland in California and the need for an Ordinance to mandate oak tree protection and preservation. The Grand Jury has requested that the Planning and Building Department and your Board of Supervisors respond to all seven findings and five recommendations of the report.

It is recommended that the Board of Supervisors adopt the responses to all seven Findings and Recommendations 3 and 5 from the Planning and Building Department (see Attached) as its response to the subject May 2006 Grand Jury Report. In addition, it is recommended that your Board discuss Recommendations 1, 2, and 4 and provide direction to staff as appropriate.

Recommendation 1 from the subject Grand Jury report states:

Protection and preservation of oaks should be mandated by ordinance in new construction in all unincorporated areas including antiquated subdivisions and single-family homes. (Findings 1,2,3,6 & 7)

Recommendations 2 states:

Agricultural lands should not be exempt from the protection and preservation of oaks and protection should be mandated by ordinance. Agricultural lands whose primary activity is cattle grazing should be exempt with an approved management plan. (Findings 1,2,3,6 & 7)



Recommendation 4 states: Sanctions for unnecessary or un-permitted destruction of oaks or oak habitat should be severe enough to deter criminal acts. (Finding 4)

Following discussion of your preferences we recommend your Board adopt one of the following options as your specific response to Recommendations 1,2 and 4:

- a. The recommendations will not be implemented. The current voluntary approach to oak tree protection and preservation is satisfactory and no further study, nor adoption of an ordinance as recommended by the Grand Jury is necessary; or
- b. The recommendations require further study. The board will direct staff to establish a stakeholder committee to study the issue and provide recommendations to the Board regarding the need for and content of an ordinance mandating protection and preservation of oak trees in the unincorporated areas of the county.

OTHER AGENCY INVOLVEMENT

The Grand Jury conferred with staff from the County departments of Planning and Building and Public Works as well as staff from the City of Paso Robles, as part of their investigation. In addition, representatives from Greenspace, the San Luis Obispo County Oak Protection Committee and a University of California Area Natural Resource Specialist were interviewed.

FINANCIAL CONSIDERATIONS

No costs are associated with this report. However, the Planning and Building Department could incur costs should the Board decide to pursue development and implementation of an Ordinance to mandate oak tree preservation and protection in unincorporated areas of the county.

RESULTS

Adoption of the findings and recommendations will fulfill the County's obligation to respond to Grand Jury reports as specified in Section 933 of the Penal Code.

Attachment

E-1
3



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: July 12, 2006

TO: Leslie Brown

FROM: Department of Planning and Building
Victor Holanda, Director *Victor Holanda*

SUBJECT: San Luis Obispo County Planning and Building Department
Response to **2005 – 06 Grand Jury Report “Oak Tree Preservation in San Luis Obispo County”**

In your memorandum of May 31, 2006 you requested that this department prepare a response to the Grand Jury Report, relative to the specific Findings and Recommendations noted below.

FINDINGS

Finding 1: Prior to statehood, California contained approximately 18 million acres of oak and hardwood woodlands. Today we have about 9.5 million acres in oak woodlands and about 45% of those acres so heavily disturbed that they are not functioning well in an ecological sense.

Response: The County can neither agree nor disagree with this finding as no source for this data has been cited in the report.

Finding 2: In the first 100 years after California became a state, developers and ranchers removed 70% of the oaks in the Salinas Valley. Currently, it is estimated that 14,000 acres of oak woodland (60,000 acres of forestland) are eliminated each year in California. Oaks still cover 36% of San Luis Obispo County.

Response: The County can neither agree nor disagree with this statement because no source for this data was identified in the report.

Finding 3: The Native Oak Tree Protection Survey indicated that 76% of the respondents supported the adoption of a native oak protection ordinance.

Response: The County can neither agree nor disagree with this finding as no survey questions nor response data have been submitted, so analysis is not possible.

E-14

Finding 4: Penalties have not deterred illegal destruction of oaks or oak habitat.

Response: The department agrees with this statement based on anecdotal information. Due to the lack of adequate data this claim cannot be substantiated.

Finding 5: Code Enforcement reports there is insufficient staff to investigate the amount and degree of environmental crime.

Response: The County can neither agree nor disagree with this finding because corroborative analysis has yet to be performed to substantiate this claim. Code enforcement staff has indicated that they were not interviewed by the Grand Jury for this report.

Finding 6: All county staff interviewed favored increased protection of native trees.

Response: The County can neither agree nor disagree with this finding as no survey questions nor response data have been submitted, so analysis is not possible.

Finding 7: Oak trees in California are under siege from development, disease, and demand for firewood.

Response: The County can neither agree nor disagree with this finding as no source for this data has been cited in the report.

RECOMMENDATIONS

Recommendation 1: Protection and preservation of oaks should be mandated by ordinance in new construction in all unincorporated areas including antiquated subdivisions and single-family homes. (Findings 1, 2, 3, 6 & 7)

Response:

The County can neither agree nor disagree with this recommendation because further analysis of such an ordinance would have to be understood. Consideration of such an Ordinance recommendation would take approximately one year for the County to develop and implement. In the past the County had a protection/preservation committee and at the Board's discretion could establish one again to investigate Oak Tree protection and preservation. Within the next six (6) months the Board of Supervisors will have to determine whether or not to authorize an Oak Tree Preservation & Protection ordinance. The Board could at the same time evaluate and consider the establishment of a tree protection/preservation committee to evaluate options and bring recommendations back to the Board.

Existing County land use ordinances afford some degree of protection to oak trees that are threatened by removal or may be impacted from land development. Accordingly, existing policies associated with the County's Coastal Zone call for oak trees in sensitive habitats to be preserved and protected.

E-1
5

The current County environmental review process provides protection to oak trees through the minimizing of tree removal as well as requiring a 4:1 ratio (four trees planted to each tree removed) to mitigate tree removal.

Recommendation 2: Agricultural lands should not be exempt from the protection and preservation of oaks and protection should be mandated by ordinance. Agricultural lands whose primary activity is cattle grazing should be exempt with an approved management plan. (Findings 1, 2, 3, 6 & 7)

Response: The County requires further analysis of this recommendation because it is not clear what the overall intent of this recommendation is in exempting grazing land and not exempting prime agricultural soils. Within the next six (6) months the Board of Supervisors will have to determine whether or not to authorize such an ordinance with the recommended exemptions. The Board could at the same time evaluate and consider the establishment of a tree protection/preservation committee to evaluate options and bring recommendations back to the Board.

Recommendation 3: Proposed ordinances should be revised openly with consensus of stakeholders as the primary goal. (Finding 3)

Response: This recommendation has been implemented. The County’s standard practice, whenever new ordinances or amendments to ordinances are brought before the Board, is always to conduct open and impartial hearings with all stakeholders.

Recommendation 4: Sanctions for unnecessary or un-permitted destruction of oaks or oak habitat should be severe enough to deter criminal acts. (Finding 4)

Response: This recommendation will not be implemented because further assessment of intent of the recommendation as well as the potential consequences is required. Within the next six (6) months the Board of Supervisors will have to determine whether or not to authorize such an ordinance with explicit and strict sanctions. The Board could at the same time evaluate and consider the establishment of a tree protection/preservation committee to evaluate options and bring recommendations back to the Board.

Recommendation 5: The number of Code Enforcement investigators should be increased. (Finding 5)

Response: This recommendation will not be implemented because further analysis of the actual need and potential financial impacts is required. Within the next six (6) months an evaluation be conducted to determine whether or not there is sufficient justification to support such a recommendation in the budget process if it is addressed at all. The Board of Supervisors will have to determine whether or not to authorize an increase in staffing.

E-1
6



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

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DIRECTOR

DATE: July 12, 2006

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SUBJECT: San Luis Obispo County Planning and Building Department
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Response: The County can neither agree nor disagree with this finding as no source for this data has been cited in the report.

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E-1
7

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RECOMMENDATIONS

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E-1
8

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E-1
9